

In re Patent Application of:  
**RHODA ET AL.**  
Serial No. **10/697,270**  
Filed: **10/31/2003**

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#### **REMARKS**

Claims 1 to 15 were previously pending in this application.

Claims 12 to 14 have been rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter.

Claims 1 to 15 have been rejected under 35 U.S.C. § 102(a) as being anticipated by United States Patent No. 7,231,555 (Barnard).

#### **Amendments to Claims**

The claims of the application have been amended to overcome the objections of the Examiner and to better define the invention in light of the prior art. In view of these amendments, reconsideration of the patentability of the claims is hereby respectfully requested.

In particular, claims 1, 8, 11, 12 and 15 have been amended to clarify that the agent communicates with a network test center or client, and includes a plurality of communication interfaces for communicating with a plurality of different networks, and the ability to incorporate a plurality of different plugins for testing any one or all of the different networks using a single agent.

Previous testing systems, including the system disclosed in the cited Barnard reference, require a separate agent for each network to be tested, and do not enable a plurality of new tests to be added to an existing agent, which can then be automatically controlled remotely by the network test center. The Barnard

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reference provides a network test center 100 with a test manager 106 and an agent manager 104 for controlling a plurality of independent agents 101a, 101b and 101c. The present invention provides each agent with the functionality to incorporate and manage a plurality of network interfaces for communicating with different types of networks, and a plurality of new tests (plugins) for monitoring and testing the various networks, as they become available.

The dependent claims have also been amended to include language consistent with that of the independent claims.

Claim 12 has been amended to define a tangible, non-transitory storage medium, as is well known in the prior art.

Should any minor informalities need to be addressed, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

Respectfully submitted,

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